DEL D 1 2003 A

Rothwell, Figg, Ernst & Manbeck , 1425 K St NW, Ste 800, Wash, DC 20005(202-783-6040)

PAT-Pending Prosecution-PTO Receipt

## TO BE DATE-STAMPED BY THE U.S. PATENT AND TRADEMARK OFFICE AS ACKNOWLEDGMENT OF RECEIPT BY IT OF THE FOLLOWING:

Xor√	Description	No. Pages or Sheets, if approp.	Dep. Acct. Copy (X or √)
х	Transmittal Sheet or Cover Letter	1	
	Fee Transmittal Sheet		
X	Conditional Request for Continued Examination (RCE)	1	1
x	Supplemental Remarks	3	
х	Submission of Conditional RCE	ı	
	Declaration Under Rule 132 with Curriculum Vitae attached		
	Exhibits 1 and 2		
	Substitute Specification ( clean copy )		
	Substitute Specification (marked-up copy)		· · · · · · · · · · · · · · · · · · ·
	RQ for Approval of Druwing Corrections		
	Red-inked Drawing Sheets		
	Formal Drawing Sheets		
	Terminal Disclaimer		
	1.132 Declaration w/Exhibit(s):		
x	Request for Extension of Time	1	
х	Information Disclusure Statement (IDS)	1	
	Copy of Foreign Search Report		<u> </u>
	Copy of International Search Report		
X	PTO 1449	Z	
х	Copies of references cited in IDS	1	
	Certified Copy(ics) of Priority Doc(s)		
	Substitute Inventor(s) Declaration		
	Change of Correspondence Address		
	PTOL-85 Issue Fee Transmittal		
	Notice of Appeal		
	Transmittal of Appeal Brief		
	Appeal Brief with Claims Appendix (in Triplicate)		
	Reply Brief in Triplicate		
	Request for Oral Bearing		

X FEE(S) PAID:	X   CHECK	DEP ACCT 02-2135					
IN REGARD TO							
ATTORNEY DOCKET NO.: 2923-475 SERIAL NO.: 10/049,634							
FIRST-NAMED INVENTOR: V. MAGDOLEN FILING DATE: February 25, 2002							
AMERICAN ACCOUNTS AND LAW.							

Date-Stamp Here

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				Complete if Known				
				Application Num	ıber	10/049,634		
	TRANSMITTAL F	ORN	<b>V</b> I	Filing Date		February 25, 2002		
	(to be used for all correspondence	e after in	nitial filing)	First Named Inv	entor	Viktor Magdolen		
				Examiner Name		S. Kumar		
			Group Art Unit		1621			
	Total Number of Pages in	This S	Submission	Attorney Docket Number		2923.475		
		ENCL	.OSURES (chec	k all that apply	)			
	Fee Transmittal Form		Assignment Par	pers		er Allowance		
	Fee Attached		Drawing(s)			nmunication to Group		
X	Supplemental Amendment		Licensing-relate	d Papers	Во	Appeal Communication to Board of Appeals and Interferences		
	X After Final		Petition		_			
	Declaration under Rule 312		Petition to Conve Provisional Appl		Gro	peal Communication to pup (Appeal Notice, Brief, poly Brief)		
	Extension of Time Request		Power of Attorne		☐ Pro	Proprietary Information		
	Express Abandonment Request			nge of Correspondence		Status Letter		
X	Information Disclosure Statement		Terminal Disclaimer		_	Other Enclosure(s) (please		
	Certified Copy of Priority Document(s)		Request for Refu			ntify below):		
	Response to Missing Parts/ Incomplete Application  Response to Missing Parts under 37 CFR 1.52 or 1.53		CD, Number of (		Condition Examinat	al Request for Continued ion		
			- • • • • • • • • •		Submission of Conditional RCE			
			REMARKS:		PTO 1449			
					1 Referen	ce incl. abstract		
				•				
SUB	MITTED BY					Complete (if applicable)		
NAM	AÉ AND Joyce von Natzme	r, Re	g. No. 48,120		L	обправ (п аррисава)		
1DI2	NATURE Office V.	V. ku	DAT	E 12/1/03	?	DEPOSIT ACCOUNT USER ID 02-2135		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	Appl. Serial Number	10/049,634	
	Filing Date	February 25, 2002 Viktor Magdolen	
	First Named Inventor		
	Group Art Unit	1621	
	Examiner Name	S. KUMAR	
	Attorney Docket Number	2923.475	

### Submission of Conditional RCE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicants seek entry of this RCE only if the Examiner's denies removing the finality of the Office Action dated July 31, 2003. Applicants submit that the finality of this Office Action should be removed in view of the arguments presented in the response submitted on October 31, 2003. Accordingly, Applicants believe that a RCE is not required for the consideration of the response submitted on October 31, 2003 and the attached supplemental response.

	RESPEÇTFULLY SUBMITTED,		
NAME AND REG. NUMBER			
SIGNATURE	Jack v. Wikuler	DATE	12/01/27
Address	Rothwell, Figg, Ernst & Manbeck 1425 K Street, N.W., Suite 800		
City	Washington	State	D.C.
Country	U.S.A.	Teleph	202-783-6040

# CONDITIONAL REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

Application Number	10/049,634		
Filing Date	February 25, 2002		
First Named Inventor	Viktor MAGDOLEN		
Group Art Unit	1621		
Examiner Name	S. Kumar		
Attorney Docket Number	2923-475		

This is a Conditional Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

						•			
1.			required und		F.R. § 1.114	1			
	а.	a. 🗵 Previously submitted							
		i. 🗶	Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on October 31, 2003						
		ii. 🔲	Consider the	argume	nts in the A	ppeal Brief or Re	eply Brief c	previously filed on	
					_			Total of the off	
			Other						
	b. Enclosed								
		i. 🔀 🥄	Supplementa	al Amend	ment/Reply	<i>r</i>			
			Affidavit(s)/D						
		iii. 🛛 I	Information E	Disclosur	e Statemen	t (IDS)			
			Other					•	
		cellaneou	IS						
	à.	☐ Susp	ension of ac	tion on t	ne above-id	entified applicati	on is reau	ested under 37 C.F.R. §	
		1.10	3(c) for a per	riod of	mo	oths. (Period of	suspensio	on shall not exceed 3 months;	
		Fee	under 37 C.F	F.R. § 1.1	70(i) requir	ed.)	•		
	b.	Othe	r		_				
3.	Fee	s The RO	E fee under	37 C.F.F	₹. § 1.17(e)	is required by 37	7 Ç.F.R. §	1.114 when the RCE is filed.	
	a.	X The	Director is he	ereby aut	horized to d	harge the follow	ina fees. d	or credit any overpayments to	
		Depo	osit Account i	No. 02-2	135. A dup	licate of this pap	er is enclo	sed.	
		i. <u> X</u> F	₹CE fee requ	riced nud	er 37 C.F. I	₹. § 1.17(e) <sup>₩</sup>			
		ii. 🛛 E	Extension of	time fee	(37 C.F.R.)	§§ 1.136 and 1.1	7)		
		iii. 🛛 🔾	Other: \$180	for cons	ideration of	the IDS only if the	né finality	of the Office Action of July 31,	
		2	2003 is remo	ved.			,	and a man industry of oally of	
	b.	☐ Chec	k in the amo	ount of \$_	_	enclosed.			
	c.					038 enclosed.)			
		•				,			
			SIGN	IATURE O	F APPLICAN	T, ATTORNEY OR A	GENT REQ	UIRED	
		AND UMBER	Joyce v	on Na	tzmer,	Reg. No. 4	8,120		
SIG	NA.	URE	Yogae	= V.	Wkun		DATE	12/01/03	
* on!	y if	the finality	of the office	action c	f July 31, 2	003 is not remov	red.		

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JAN 0 8 2004

### **ROTHWELL, FIGG, ERNST & MANBECK**

1425 K Street, NW Suite 800 Washington, D.C. 20005

Telephone: (202)783-6040 Telefax: (202)783-6031



#### FACSIMILE TRANSMITTAL SHEET

DATE:

January 8, 2004

TO:

Examiner S. Kumar

Fax: 703-872-9306

FROM:

Joyce von Natzmer

**OUR REF:** 

2923-475

Number of Pages Including This Transmittal Sheet: 13

If any problems in connection with this facsimile, please contact: Violet White at 202-783-6040

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